

members of the several State Legislatures, and the executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support the Constitution of the United States, announced the doctrine of the duty of *obedience* to and *support* of the Constitution and the laws of Congress passed in pursuance thereof; that a portion of the sovereignty of the States being delegated, to the extent of the powers conferred by the Constitution on the Federal Government, and another portion being retained by the States to the extent of the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, *sovereignty* thereby under our structure of government ceased to be any longer a *unit* and *indivisible*, but attached to or became a prerogative of the Federal Government, and the States, respectively, as the several portions of sovereignty were meted out to each.

I search in vain for any form of oath required in the Constitution to be taken by any officer of the government, or by any citizen acting in any capacity, by which he swears that his *paramount* allegiance, or any *allegiance*, is due to the Constitution and Government of the United States. And I defy the chairman of this committee, (Mr. Stirling,) or any gentleman upon this floor, to point to any clause in that Constitution in which the doctrine is announced that *paramount* allegiance is due to the Constitution and Government of the United States. The Constitution announces no such proposition; and if it had contained any such, it never would have been adopted. What is the oath of office which the Constitution prescribes shall be taken by the President of the United States? Article 2, section 8, relating to the Executive of the United States, prescribes that—

"Before he (the President) enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

And from the day that the father of his country assumed the reins of government, down to the day when the present President stood upon the portico of the capitol at Washington, and took this oath, no other oath has been pronounced, or required in form to be taken by any officer of the government. The chief executive officer of this government, clothed with his grand powers, with all the power of the government to carry out and execute all the laws, with a power, when this government is constitutionally administered, greater even than that exercised by the Queen of England—the chief executive of the United States is required only to swear that

to the best of his ability he will preserve, protect, and defend the Constitution of the United States. Does he swear that his *paramount* allegiance is due to the general government? Did the fathers of the republic, those who framed the oath, think it was necessary for them to require it? Yet we are called upon here to announce that *paramount* allegiance is due to the Constitution, and Government of the United States, without any distinction in reference to whether it exercises its powers within the limits of the Constitution, or not. Article 6, section 3, of the Constitution of the United States provides that—

"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be recognized as a qualification to any office, or public trust, under the United States."

There is nothing there about *paramount* allegiance to the Constitution and Government of the United States. Those who framed the Constitution, passed in 1789 an act fixing the same form of oath—"to protect and support the Constitution of the United States." The act of June 1, 1789, prescribes this oath to be taken by all the officers of the United States:

"I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States."

That is what the fathers of the republic, who framed the Constitution, laid down as the form of oath to be taken by every officer under it. But you find there, Mr. President, no doctrine of *paramount* allegiance to the Constitution and Government of the United States, irrespective of the question whether it is administered within its proper sphere or not, such as is announced in this article.

But, Mr. President, these well considered principles of the fathers seem now to be almost forgotten. In fact, the existence of a Constitution seems well nigh ignored; and "military necessity" and the "self-preservation of the Government"—not through the forms of the Constitution, but according to the varying judgment of some inferior or subaltern—have been substituted as the law of action. I repeat, not through the forms of the Constitution; for I will go as far as any man for the preservation of the Government under the forms and through the modes prescribed in the Constitution. But that is not now aimed at. And, as if aspiring to resuscitate the dry bones and defunct party forms of "blue-light Federalism," soon no doubt to be succeeded by a train of laws assimilated to the "alien and sedition laws," it was reserved for Maryland to experience the humiliation